



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 7, 2005 LOCAL EFFECTIVE DATE October 21, 2005 APPROX FINAL EFFECTIVE DATE November 11, 2005	CONTACT/PHONE Martha Neder, AICP, Planner (805) 781-4576	APPLICANT Bruce and Sandy Kessler	FILE NO. DRC2005-00028
SUBJECT Request by Bruce and Sandy Kessler for a Minor Use/Coastal Development Permit to allow the demolition of an existing residence and construction of a new 3,765 square foot single family residence with attached garage. The project will result in the disturbance of approximately 3,000 square feet of a 3,550 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 326 Huntington Drive in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on August 29, 2005 (ED05-098)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION LCP/AS/CAZ	ASSESSOR PARCEL NUMBER 022-313-014	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Archaeologically Sensitive, Coastal Appealable Zone <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family <i>South:</i> Residential Single Family (East/West Ranch)	
<i>East:</i> Residential Single Family <i>West:</i> Residential Single Family	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, Cambria Fire and the California Coastal Commission	
TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Ornamental Landscaping
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: August 29, 2005

PLANNING AREA STANDARDS:

Required setbacks are 10' in the front, 3' on the side, and 10' in the rear. Height limit is 28' measured from average natural grade. The proposed project conforms with these standards.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. *Adequate public service capacities are available to serve the proposed development because it is a replacement of an existing dwelling. Impact fees will be paid for any additional fixtures.*

Coastal Watersheds:

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy, because if grading is to occur or left unfinished between October 15 through April 15, the project is required to have an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that shows that the construction of the new residence will not increase erosion or runoff.*

Hazards:

Policy 1: New Development: *The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability: *The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability. A Geotechnical Engineering Report (MidCoast*

Geotechnical; June 1, 2005) was prepared for the project. The construction of the project is required to implement the recommendations contained in the report.

Archaeology:

Policy 4: Preliminary Site Survey: The parcel is in an archeologically sensitive area. No resources were found in the preliminary site survey (Parker and Associates; March 28, 2005).

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: No comment received at the time of report preparation

AGENCY REVIEW:

Public Works - No comment received at the time of report preparation

Cambria Community Services District – No comment received at the time of report preparation

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Cambria Pines Manor Unit 5, Block 64, Lots 5 & 6, are to be merged prior to final inspection of the project.

Staff report prepared by Martha Neder and reviewed by Mike Wulkan

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15301 because the project is a single-family residence in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archaeology

- H. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because no indications of prehistoric resources or early historic archaeological resources were found during the preliminary surface survey.

Public Works Policy 1

- I. Adequate public service capacities are available to serve the proposed development because the project is a replacement dwelling and impact fees will be paid for any additional fixtures.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the demolition of a single family residence and construction of a new 3,765 square foot single family residence and attached garage.
2. All permits shall be consistent with a revised Site Plan, Floor Plans, and Elevations which show compliance with the UBC, specifically the code section regarding spiral stairways, and compliance with CZLUO Section 23.04.116a(3) which allows decks to occupy up to 30% of the required rear setback.

Conditions to be completed prior to issuance of a construction or grading permit

Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

5. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

Cambria Community Services District

6. **Prior to issuance of a building permit**, the applicant shall apply for a remodel of existing service and pay impact fees to the CCSD.
7. **Prior to issuance of construction permit**, the applicant shall submit, for the Planning Director review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation submitted to the Planning Director shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the

CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

Voluntary Merger

8. **Prior to issuance of construction permits**, the applicant shall apply to merge lots 5 & 6 of Cambria Pines Manor Unit 5, Block 64.

Landscape Plan

9. **Prior to issuance of construction permit**, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Conditions applicable throughout project construction

Building Height

10. The maximum height of the project is 28 feet from average natural grade.
 - A. **Prior to any construction**, a licensed surveyor or registered civil engineer shall first file with the Building Official certification of compliance with the flood hazard elevation requirements, and shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - B. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - C. **Prior to approval of the roof-nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Grading, Drainage, Sedimentation and Erosion Control

11. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
12. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
13. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
14. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
15. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Archaeology

16. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Geotechnical Engineering

17. All construction shall be in accordance with the recommendations and conclusions from the Geotechnical Engineering Report by Mid-Coast Geotechnical, dated June 1, 2005.

Cambria Community Services District

18. Existing water fixtures shall be retrofitted to current standards under District Ordinance 3-88 as amended.

19. The owners shall provide the District with a copy of county building permit issued for this project.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

20. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Lot Merger

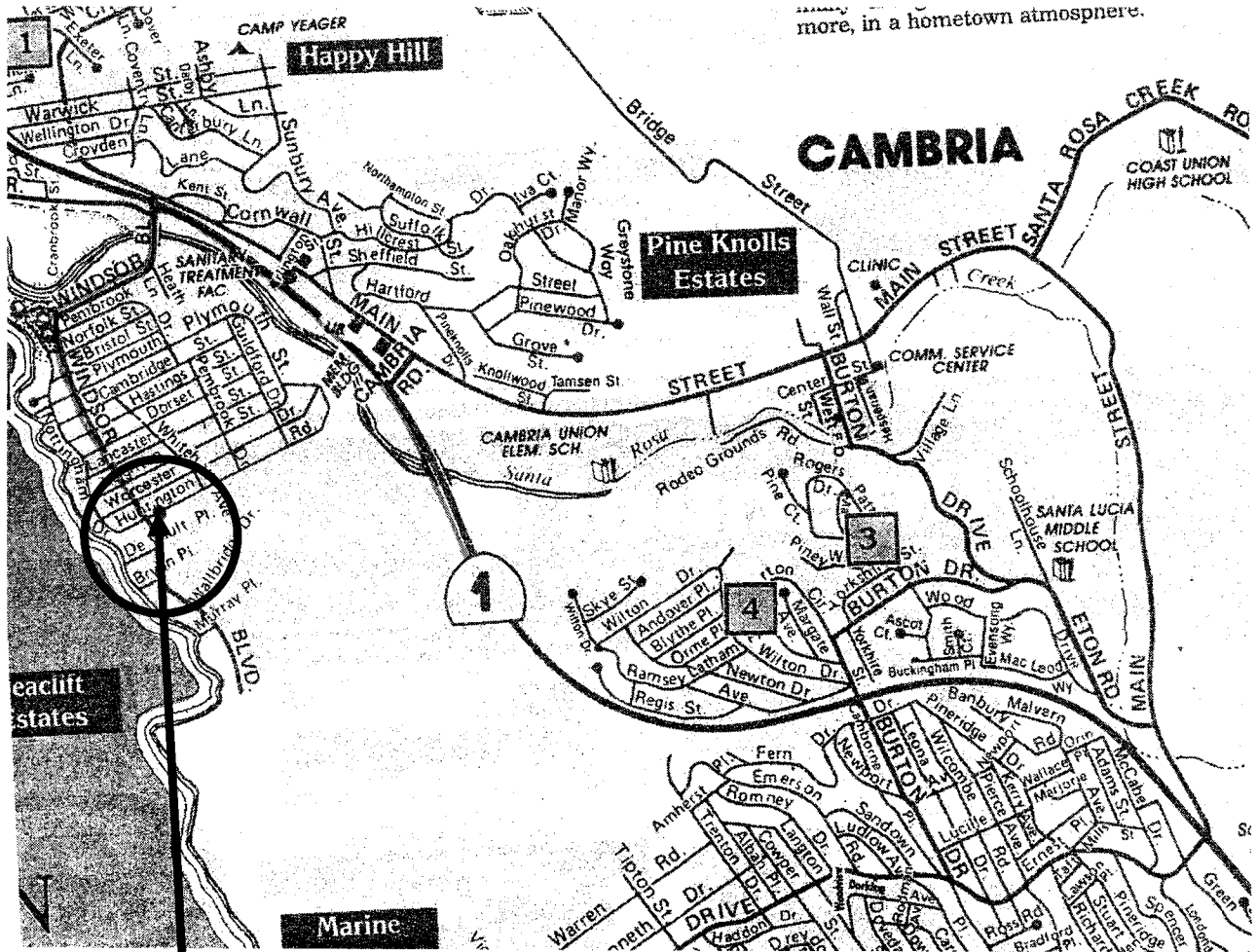
21. **Prior to final inspection**, the applicant shall record the voluntary lot merger of lots 5 & 6 of Cambria Pines Manor Unit 5, Block 64.

Cambria Community Services District

22. Applicant shall submit for final plumbing inspection upon completion of the project.

Miscellaneous

23. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
24. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



SITE

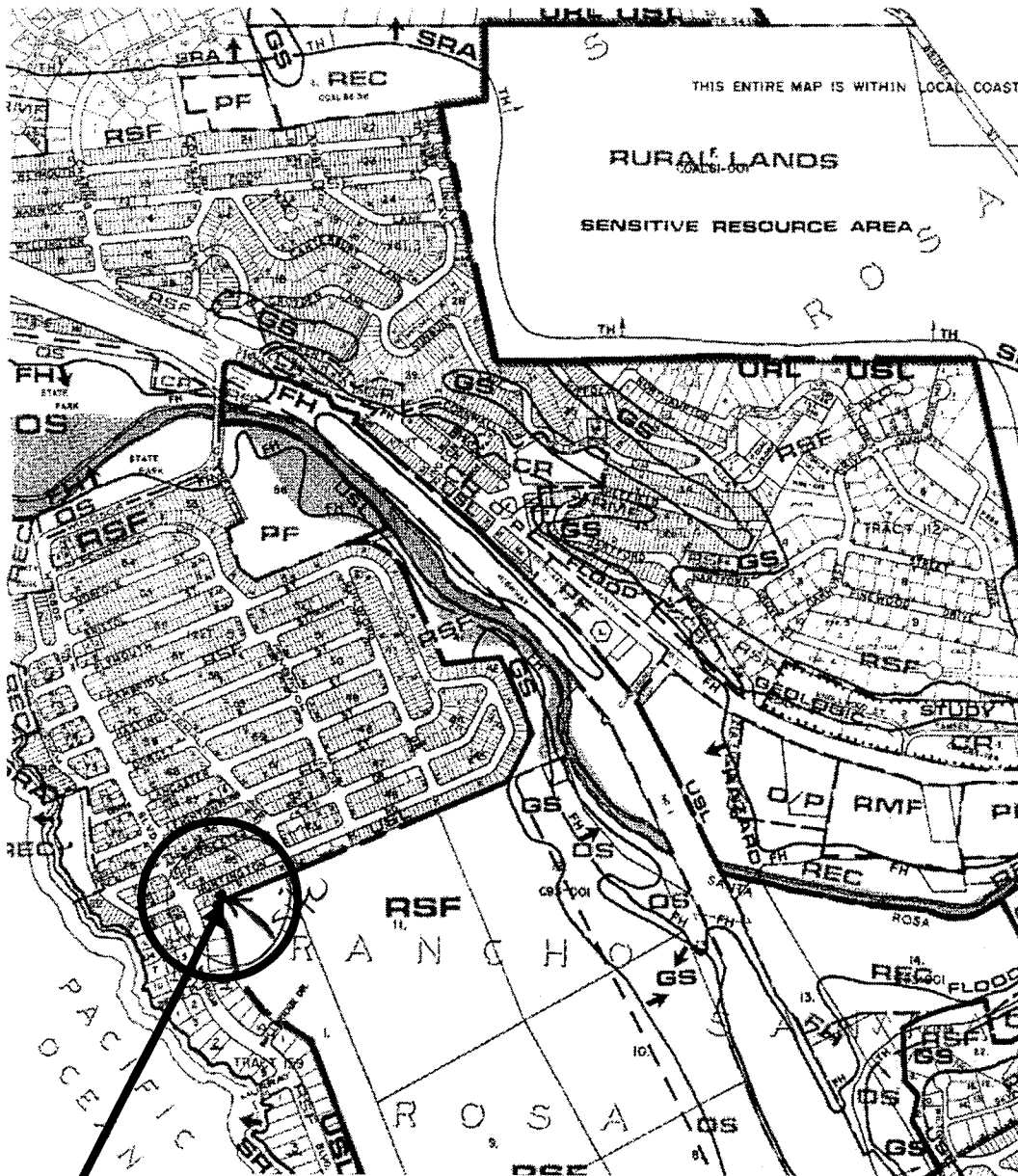
PROJECT

Minor Use Permit
Kessler DRC2005-00028



EXHIBIT

Vicinity



SITE

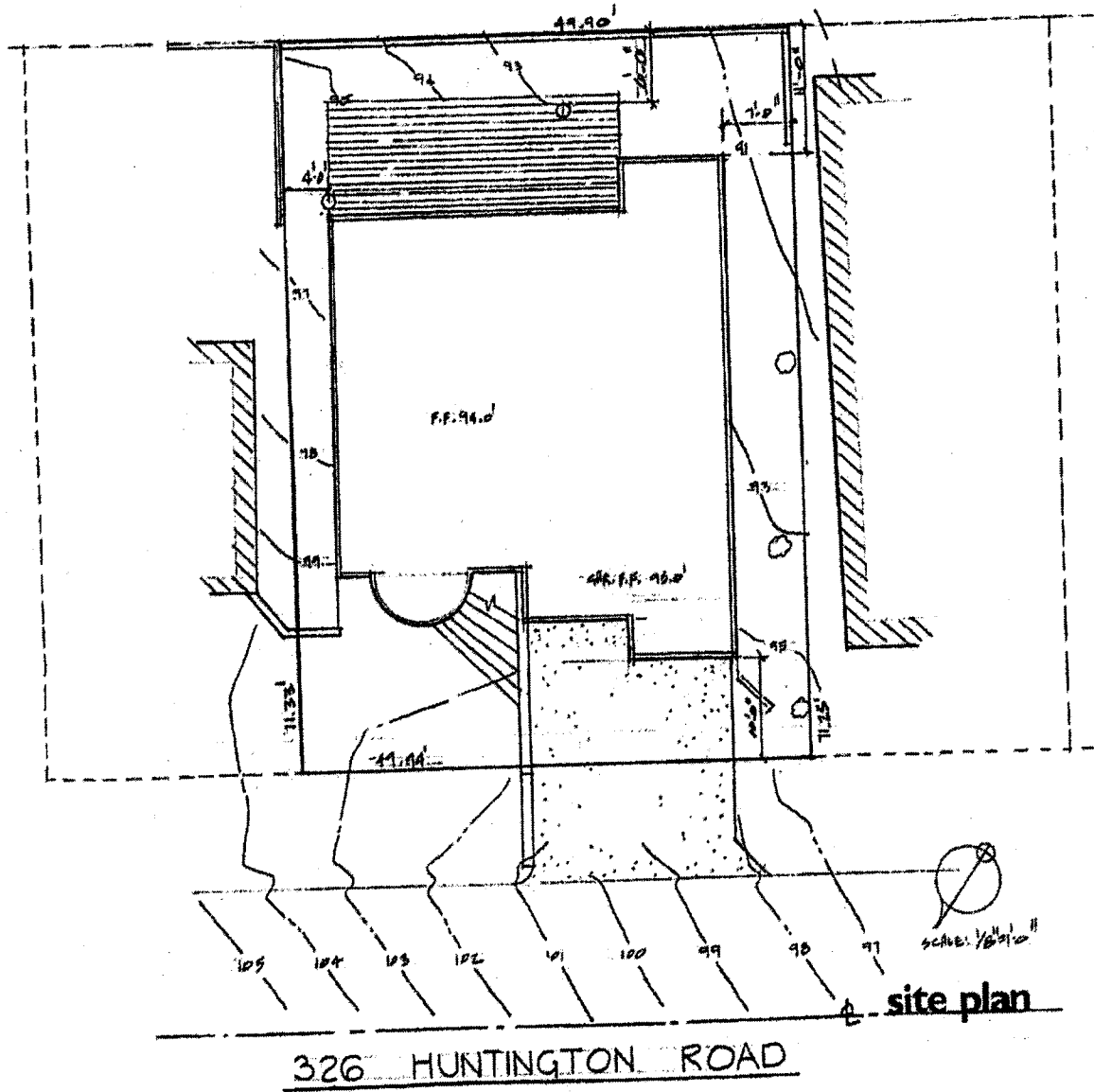
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EXHIBIT

Land Use Category



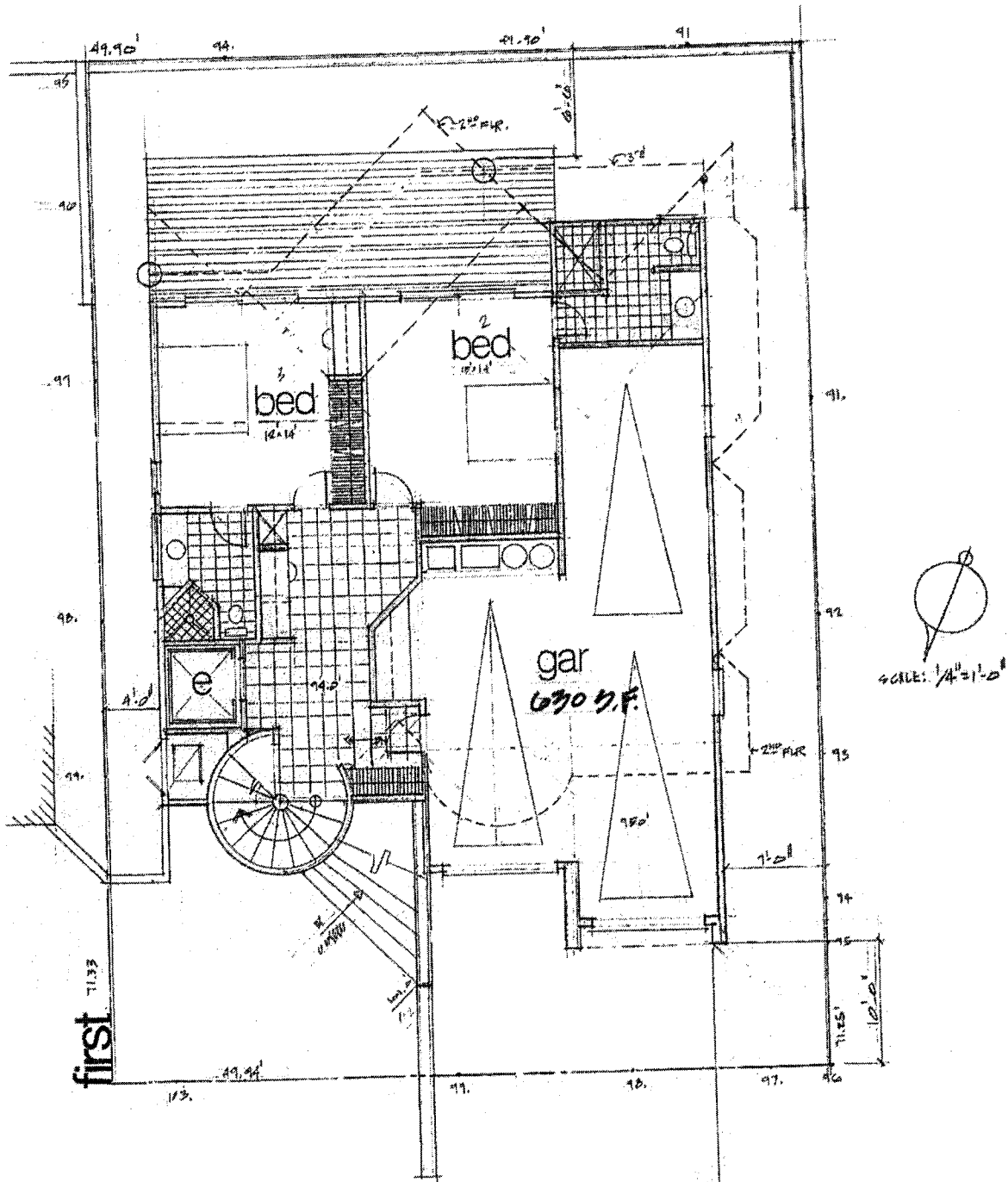
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EXHIBIT

Site Plan



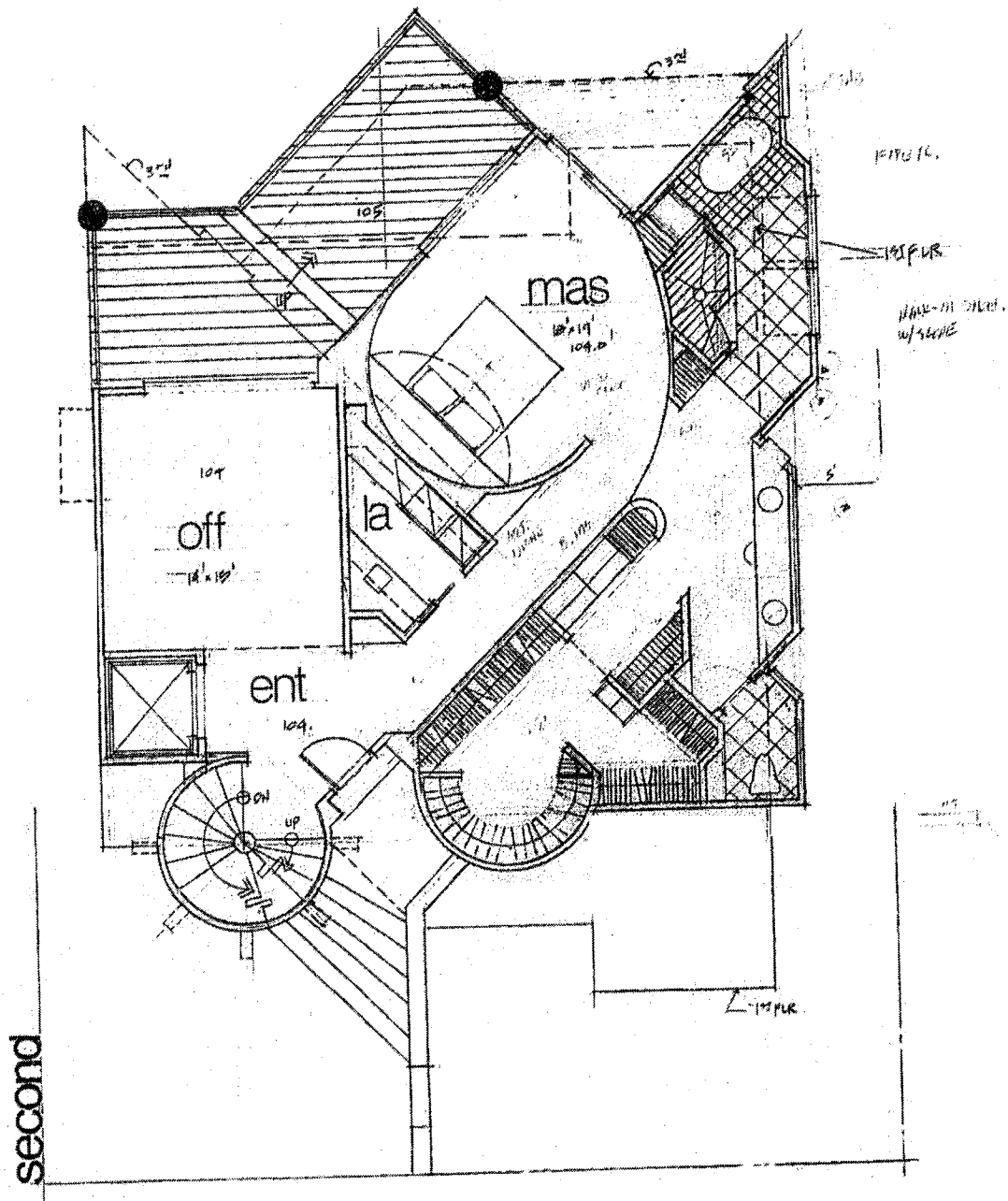
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EXHIBIT

Floor Plan



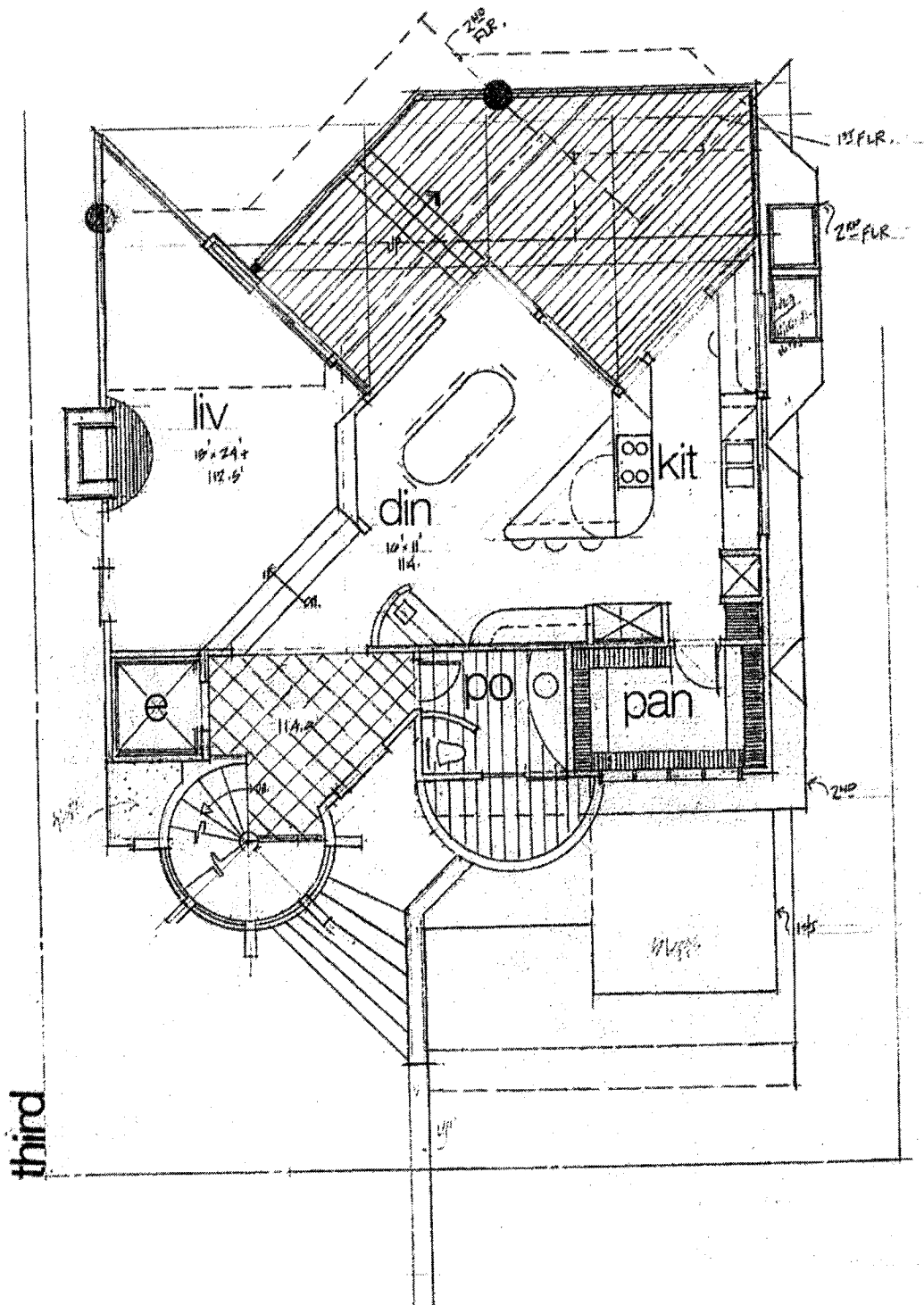
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EXHIBIT

Floor Plan



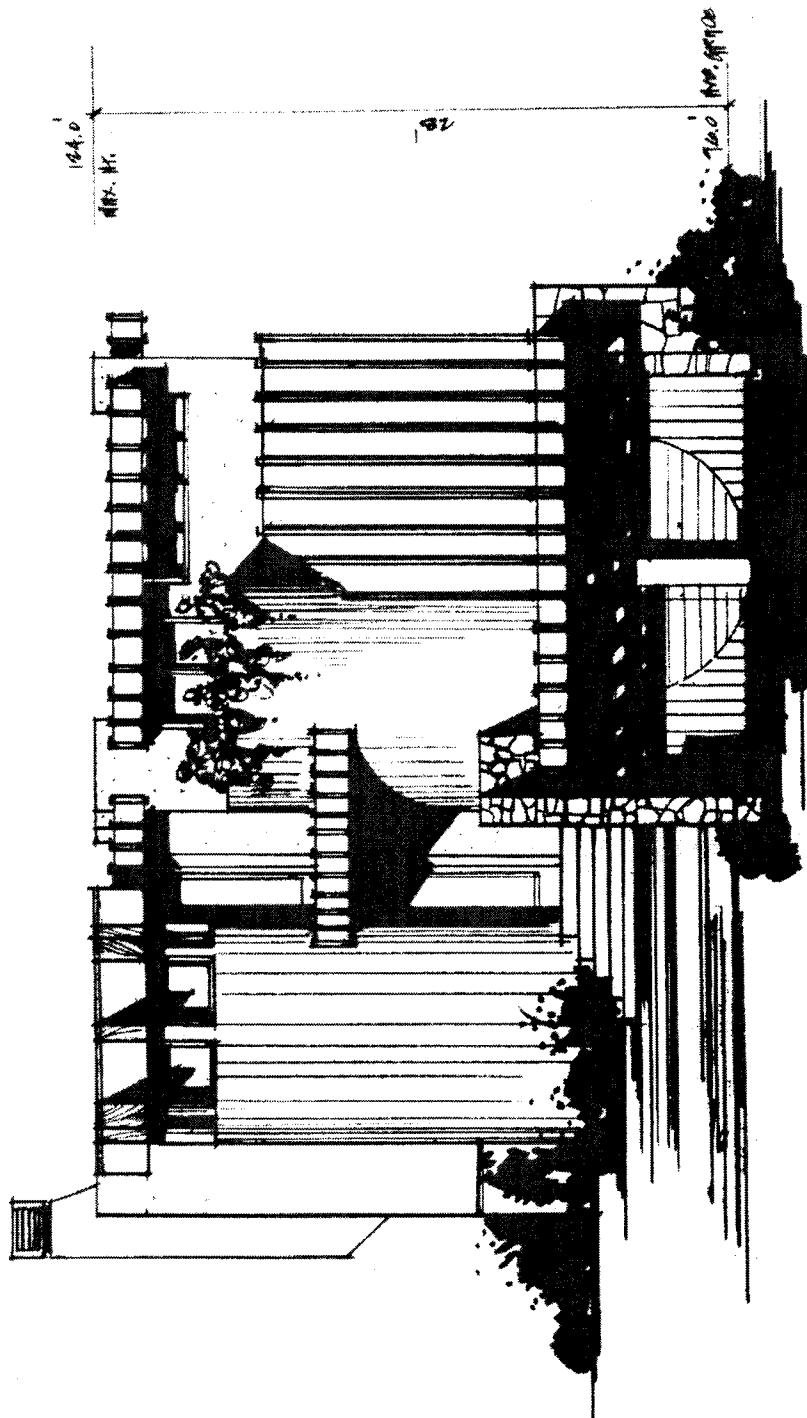
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EXHIBIT

Floor Plan



front

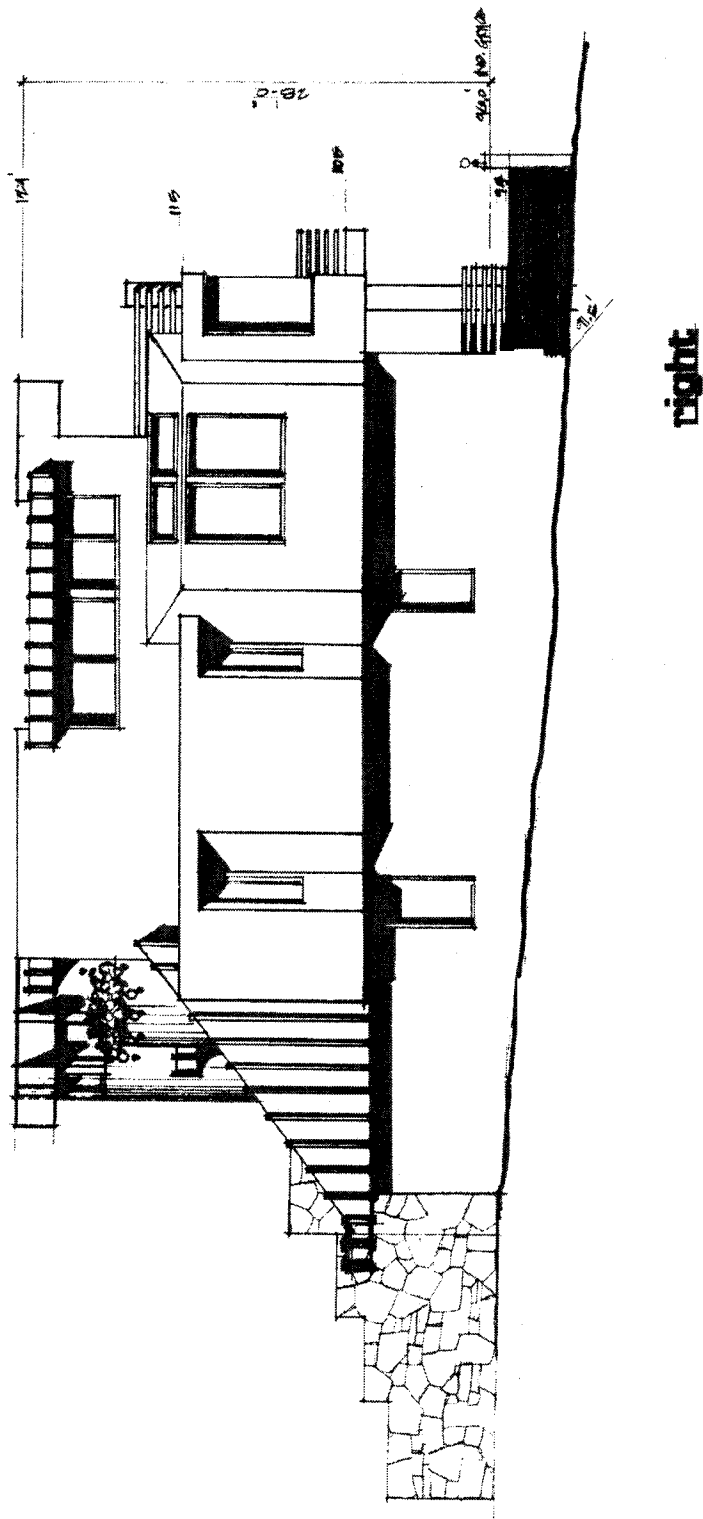
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EXHIBIT

Elevation



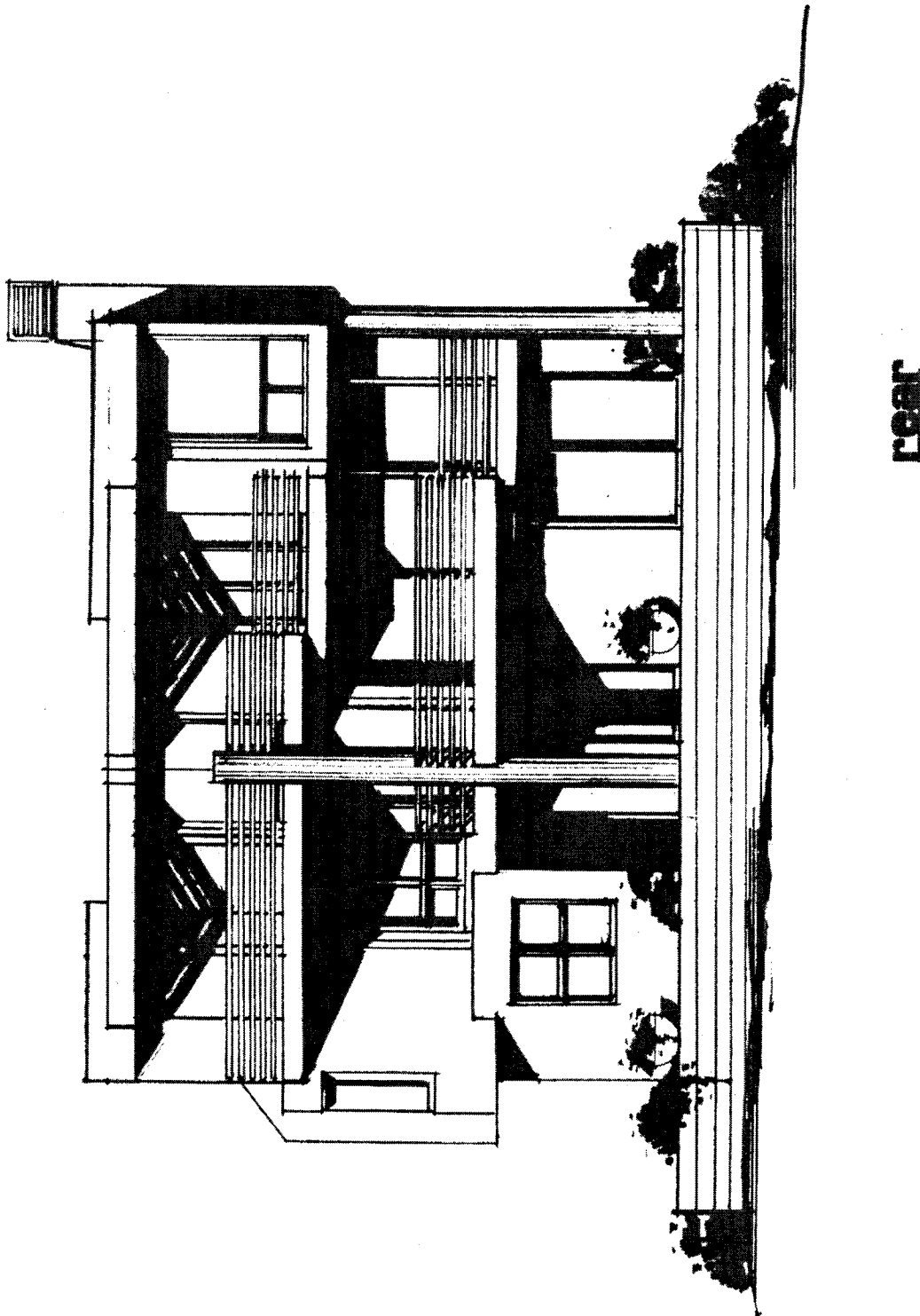
PROJECT

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EXHIBIT

Elevation



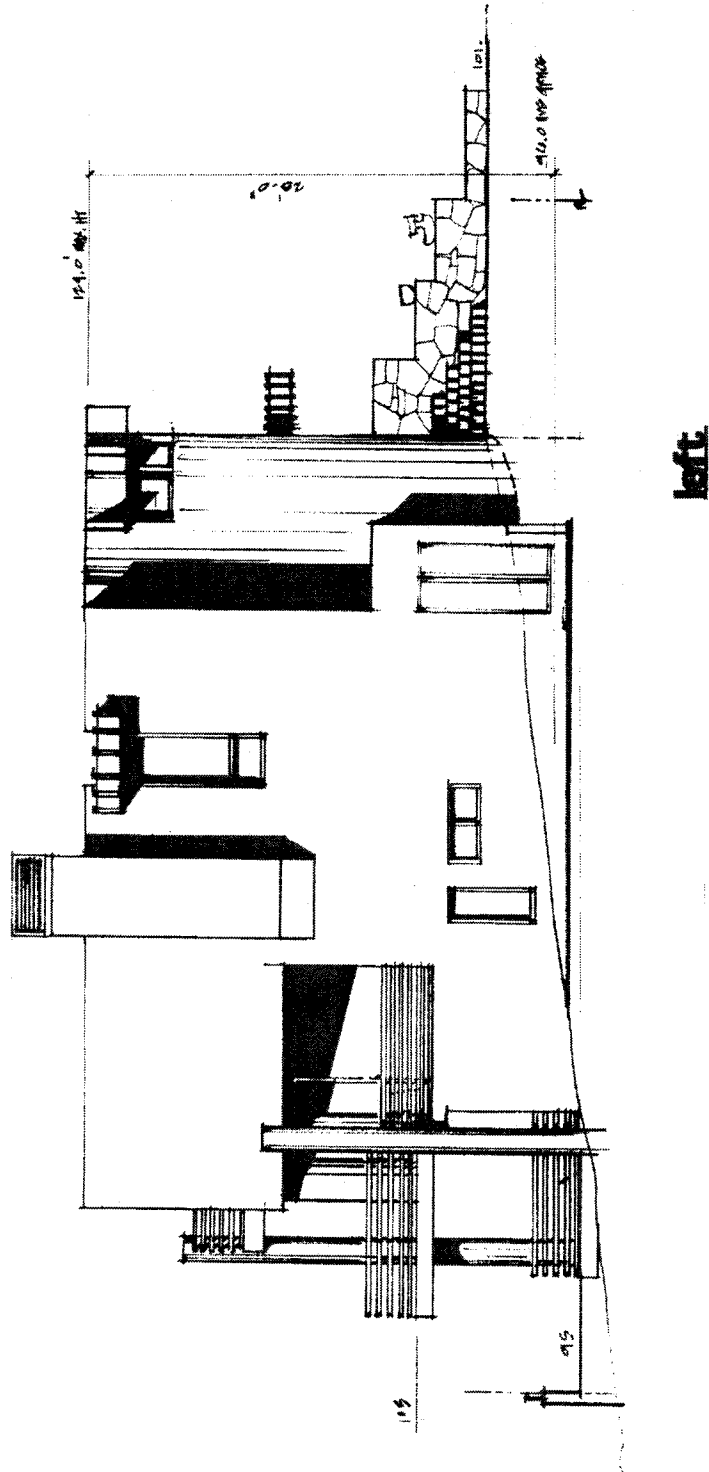
PROJECT

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EXHIBIT

Elevation



PROJECT

Minor Use Permit
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EXHIBIT

Elevation